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GORDON & REES LLP			SAFAVI, MICHAEL	
101 WEST BROADWAY				
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SAN DIEGO, CA 92101			3673	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,239	BANDAK, SAMI	
	<b>Examiner</b> Michael Safavi	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 April 04, 07 Sept. 04, & 28 Oct. 04.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) 1,3 and 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                         |                                                                             |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date: _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                         | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

- (1) pad extensions "deployed by folding them at right angles to the pads to form a soft restraints for a person on the pad" of claim 4,
- (2) at least two of said pads having "a rigid base over which foam is positioned and which are together surrounding by a fabric cover" of claim 5 (i.e., a cross-section showing the rigid base, foam pad, and cover), and
- (3) the extension struts received in channels along the sides of the head zone of claim 7,

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet; even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because:

- (1) Fig. 1, the dimension 18" on the left-hand edge of each of the first and second foam pads (16, 16) and the dimension 18" on the bottom edge of the first foam pad (16) should be deleted and if it is desired to shown these dimensions, the dimensions should be shown as being in the middle of a straight line ending in arrowheads at lines designating the beginning and end of the dimension (i.e., similar to the manner of "16" in Fig. 4 and "53" in Fig. 4A);
- (2) Fig. 1, the text "LARGE BEACH MAT/CHAIR" partially overlapping the hood (20) and Figs. 1A and 2A, the text "BEACH MAT, CHAIR AND SHELTER" under the structure shown in Figs. 1A and 2A should be deleted and replaced with a reference numeral which has been inserted into the specification to designate the beach mat;
- (3) Fig. 3, the dimension 4" at the corners of the first bottom-most foam pad (16) and the dimension 6" at the top left-hand corner of the second adjacent foam pad (16) should be deleted and if it is desired to shown these dimensions, the dimensions should be shown as being in the middle of a straight line ending in arrowheads at lines

designating the beginning and end of the dimension (i.e., similar to the manner of "16" in Fig. 4 and "53" in Fig. 4A);

(4) Fig. 3A, the text "INFANT BEACH SHELTER" under the structure shown in Fig. 3A should be deleted and replaced with a reference numeral which has been inserted into the specification to designate the beach mat;

(5) Fig. 4, the number "16" towards the top of the figure is not understood because if it is intended to represent a foam pad as in previous drawing figures, it should have a lead line leading to that structure and should not be between lines ending in arrowheads as if to represent a dimension, and if it is intended to represent a dimension, it has not been described in the specification and has not been given any units (i.e., it is not known if it is 16 inches, 16 centimeters, etc.);

(6) Fig. 4A, the number "17" towards the top of the figure is not understood because if it is intended to represent a structure, it has not been described in the specification, it should have a lead line leading to that structure, and should not be between lines ending in arrowheads as if to represent a dimension, and if it is intended to represent a dimension, it has not been described in the specification and has not been given any units (i.e., it is not known if it is 17 inches, 17 centimeters, etc.); and

(7) Fig. 4A, the number "53" on the left-hand side of the figure is not understood because if it is intended to represent a structure, it has not been described in the specification, it should have a lead line leading to that structure, and should not be between lines ending in arrowheads as if to represent a dimension, and if it is intended

to represent a dimension, it has not been described in the specification and has not been given any units (i.e., it is not known if it is 53 inches, 53 centimeters, etc.)

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

(1) reference numeral "22" shown in Figs. 1, 1A, and 1B is not in the specification although it is believed to designate "carry strap" and should be inserted into the specification at page 3, line 4 of paragraph no. [0009] after the word "strap";

(2) reference numeral "26" shown in Fig. 1A is not in the specification although it is believed to designate "buckle" and should be inserted into the specification at page 3, line 8 of paragraph no. [0009] after the word "buckle"; and

(3) reference numeral "70" shown in Fig. 3B is not in the specification although it is believed to designate "central closure strap" and should be inserted into the specification at page 4, line 2 of paragraph no. [0013].

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because:

(1) both occurrences of the word “panel” in line 2 should be changed to --pads-- since the term “panels” has never been used in pages 1-5 of the specification or the claims and because the pad extensions described in lines 7-8 of the abstract are said to be at right angles to the “pads”, not “panels”.

Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

(1) page 1, line 3 of paragraph no. [0002], the word “an” should be changed to -- and--;

(2) page 1, line 3 of paragraph no. [0002], it is believed that the word “The” should be changed to --They--;

(3) page 1, line 1 of paragraph no. [0003], there should be a comma punctuation mark (i.e., --,--) after the word “category”;

(4) page 1, line 3 of paragraph no. [0003], the word “users” should be changed to --user’s--;

(5) page 1, line 4 of paragraph no. [0003], it is believed that the word “with” should be changed to --which--;

(6) page 1, line 6 of paragraph no. [0003], there should be a comma punctuation mark (i.e., --,--) after the word “Therefore”;

(7) page 1, line 7 of paragraph no. [0003], there should be a comma punctuation mark (i.e., --,--) after the word “Typically”;

(8) page 1, line 1 of paragraph no. [0004], there are two spaces (i.e., one space should be deleted) between the words "deficiencies" and "of";

(9) page 1, line 3 of paragraph no. [0004], there should be a comma punctuation mark (i.e., --,--) after the word "mode";

(10) page 2, line 1, the word "users" should be changed to --user's--;

(11) page 2, line 2, there should be a comma punctuation mark (i.e., --,--) after the word "mode";

(12) page 2, line 1 of paragraph no. [0006], the second period punctuation mark (i.e., ".") should be deleted;

(13) page 2, line 2 of paragraph no. [0006], "the head and torso zone." should be changed to --the head zone and the torso zone.-- to make it clear there are two separate zones;

(14) page 2, line 6 of paragraph no. [0006], it is believed the word "on" should be changed to --in--;

(15) page 2, line 7 of paragraph no. [0006], "the torso or head zones." should be changed to --the torso zone or the head zone.-- to make it clear there are two separate zones;

(16) page 2, line 10 of paragraph no. [0006], the word "users" should be changed to --user's--;

(17) page 2, line 13 of paragraph no. [0006], the word "users" should be changed to --user's--;

(18) page 2, after paragraph no. [0006], there should be inserted a "Brief Description of the Drawing Figures" section which briefly describes each of Figs. 1 ,1A, 1B, 2, 2A, 3, 3A, 3B, 4, and 4A as being perspective views, side elevations, etc.;

(19) page 2, lines 1-2 of paragraph no. [0007], "leg 10" should be changed to --leg zone 10-- to make it clear that reference numeral 10 designates a leg zone;

(20) page 2, line 2 of paragraph no. [0007], "torso 12" should be changed to --torso zone 12-- to make it clear that reference numeral 12 designates a torso zone;

(21) page 2, line 2 of paragraph no. [0007], "head 14 zones" should be changed to --head zone 14-- to make it clear that reference numeral 14 designates a head zone;

(22) page 2, line 3 of paragraph no. [0007], the word "Polyurethane" should not be capitalized;

(23) page 3, line 3 of paragraph no. [0009], "the leg an torso zones.." should be changed to --the leg zone 10 and the torso zone 12--;

(24) page 3, line 4 of paragraph no. [0009], the word "torso pad" should be changed to --foam pad of the torso zone--;

(25) page 3, line 4 of paragraph no. [0009], it is believed that reference numeral --22-- should be inserted after the word "strap";

(26) page 3, line 6 of paragraph no. [0009], the word "users" should be changed to --user's--;

(27) page 3, line 8 of paragraph no. [0009], it is believed that reference numeral --26-- should be inserted after the word "buckle";

(28) page 3, line 9 of paragraph no. [0009], the word "leg pad" should be changed to --foam pad of the leg zone-- and a comma punctuation mark (i.e., --,--) should be inserted after the word "addition";

(29) page 3, lines 3-4 of paragraph no. [0010], "the head pad and torso pad" should be changed to --the foam pad of the head zone and the foam pad of the torso zone--;

(30) page 3, line 5 of paragraph no. [0010], there are two spaces (i.e., one space should be deleted) between the words "create" and "clearance";

(31) page 3, line 6 of paragraph no. [0010], the word "users" should be changed to --user's--;

(32) page 3, line 7 of paragraph no. [0010], the word "lest" should be changed to --least-- and the word "pads" should be changed to --zones--;

(33) page 4, line 2, the word "Nylon" should not be capitalized;

(34) page 4, lines 2-3 of paragraph no. [0011], the sentence "When unzipped a stowed sun drape is reveal a sun drape (not shown)." should be changed to --When unzipped, a stowed sun drape (not shown) is revealed.--;

(35) page 4, line 3 of paragraph no. [0011], the word "quantify" should be changed to --quantity--;

(36) page 4, line 4 of paragraph no. [0011], a comma punctuation mark (i.e., --,--) should be inserted after the word "deployed";

(37) page 4, line 5 of paragraph no. [0011], the word "users" should be changed to --user's-- and a comma punctuation mark (i.e., --,--) should be inserted after the word "head";

(38) page 4, line 6 of paragraph no. [0011], a comma punctuation mark (i.e., --,--) should be inserted after the word "helpful";

(39) page 4, line 8 of paragraph no. [0011], the word "users" should be changed to --user's--;

(40) page 4, line 1 of paragraph no. [0012], the word "Shows" should not be capitalized;

(41) page 4, line 2 of paragraph no. [0012], a comma punctuation mark (i.e., --,--) should be inserted after the word "embodiment" and "th" should be changed to --the--;

(42) page 4, line 3 of paragraph no. [0012], change "(head 14, torso 12 and leg 10)" to --(head zone 14, torso zone 12, and leg zone 10),--;

(43) page 4, line 6 of paragraph no. [0012], a comma punctuation mark (i.e., --,--) should be inserted after the word "un-deployed" and after the word "the", the words --pad extensions-- should be inserted;

(44) page 4, line 8 of paragraph no. [0012], after the word "secured", insert the word --at--;

(45) page 4, line 10 of paragraph no. [0012], a comma punctuation mark (i.e., --,--) should be inserted after the word "deployed";

(46) page 4, line 2 of paragraph no. [0013], it is believed that reference numeral --70-- should be inserted after the word "strap--;

(47) page 4, line 3 of paragraph no. [0013], it is suggest that "the leg pad" be changed to --the foam pad of the leg zone-- for clarity and the word "be" should be changed to --by--;

(48) page 5, line 2 of paragraph no. [0014], a comma punctuation mark (i.e., --,--) followed by the word --the-- should be inserted after the word "application";

(49) page 5, line 3 of paragraph no. [0014], the word "in" should be changed to --is--;

(50) page 5, line 3 of paragraph no. [0014], after the word "between", insert the word --the- and after the word "and", insert the words --the foam--;

(51) page 5, line 6 of paragraph no. [0015], the word "users" should be changed to --user's--;

(52) page 5, line 7 of paragraph no. [0015], after the word "assembly", insert the word --are--;

(53) page 5, line 10 of paragraph no. [0015], a comma punctuation mark (i.e., --,--) should be inserted after the word "instances" and "the leg pad" should be changed to --the foam pad of the leg zone--;

(54) page 5, line 12 of paragraph no. [0015], the words "the leg pad" should be changed to --the foam pad of the leg zone-- and the word "users" should be changed to --user's--;

(55) page 5, line 14 of paragraph no. [0015], both occurrences of the words "the head pad" should be changed to --the foam pad of the head zone--;

(56) page 5, line 1 of paragraph no. [0016], after the word "shown", the word

--to-- should be inserted;

(57) page 5, line 4 of paragraph no. [0016], a comma punctuation mark (i.e., --,--) should be inserted after "iment";

(58) page 5, line 4 of paragraph no. [0016], the period punctuation mark (i.e., ".") after the word hood should be deleted; and

(59) page 5, the last line, the words "I CLAIM:" should be deleted and inserted at the top of page 6, line 1, in place of the word "CLAIMS" centered on the top of that page.

Appropriate correction is required.

The use of the trademark Velcro® (page 3, the second to last line of paragraph no. [0009] and page 4, the last line of paragraph no. [0013]) has been noted in this application. **It should be capitalized wherever it appears and be accompanied by the generic terminology** (e.g., hook and loop fasteners).

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

Claims 1, 3, and 5 are objected to because of the following informalities:

(1) claim 1, line 2, there should be a comma punctuation mark (i.e., --,--) followed by the word --and-- after the word "together" to make it clear that another structure (i.e., the "retention device") is being recited;

(2) claim 3, line 1, the word --and-- should be inserted after the word "zone" and the comma punctuation mark (i.e., ",") to make it clear that another structure (i.e., the "restraint") is being recited;

(3) claim 3, line 2, the word --the-- should be inserted before both occurrences of the word "torso" for proper antecedent basis; and

(4) claim 5, line 2, the word "surrounding" should be changed to --surrounded--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1, the recitation of "a torso and leg zone, said zones" is confusing and indefinite because "a torso and leg zone" appears to be reciting a single zone and therefore, "said zones" appears to lack antecedent basis. The examiner suggests amending "a torso and leg zone" to --a torso zone and a leg zone-- so that then "said zones" has proper antecedent basis.

Claim 1, lines 1-2, the recitation of "a foam pads" is confusing and indefinite because it is not know whether Applicant is attempting to recite a single foam pad or more than one foam pads. Clarification is required.

Claim 1, lines 1-2, the recitation of "said zones comprising a foam pads with a hinge securing the pads together" is confusing and indefinite because it could be interpreted that the "foam pads" have the hinge when it is really the fabric of the cover that comprises the hinge. Clarification is required.

Claim 1, line 3, the recitation of "the torso zone and the leg zone" lacks antecedent basis since as worded in line 1, the "torso and leg zone" only recite a single zone. Again, the examiner suggests amending "a torso and leg zone" to --a torso zone and a leg zone-- so that then "the torso zone and the leg zone" recited in line 3 has proper antecedent basis.

Claim 2, lines 1-2, the recitation that a deployable hood is "secured to one or more of said zones" is confusing and indefinite because the embodiments in Figs. 1, 2, and 3 appear to be attached to only a single zone (i.e. the torso zone (12) and the embodiment of Figs. 4 and 4A which appears may be attached to two zones, is attached to the head zone and torso zone if it is attached to two zones, and not to the torso zone and leg zone which are the only two zones positively recited in claims 1 and 2. Therefore, clarification is required.

Claim 4, line 3, the recitation of "a soft restraints" is confusing and indefinite because it is not know whether Applicant is attempting to recite a single foam pad or more than one foam pads. Clarification is required.

Claim 4, line 3, the recitation of “the pad” lacks antecedent basis and should be changed to either --the beach mat-- or --the pads--.

Claim 5, line 1, the recitation of “at least two of said pad” is confusing and indefinite because it is unclear how you can have at least two of a single pad. Further, the recitation of “pads” is only considered to recite two pads and therefore, it is unclear how you can have at least two of two pads (i.e., the recitation should be changed to --both of the pads--). Clarification is required.

Claim 6, line 2, the recitation of “the head zone” lacks antecedent basis as no “head zone” has been previously positively introduced (i.e., since claim 6 is dependent upon claim 2 and the head zone is not positively introduced until claim 3).

Claim 7, lines 1-2, the recitation of “said extension struts are received in channels in along the sides of the head zone” is not understood and it is suggested that the word “in” after the word “channel” be changed to --located-- for clarity.

Claim 7, lines 1-2, the recitation of “said extension struts are received in channels in along the sides of the head zone” is confusing and indefinite because according to Fig. 2A, the extension struts (30) are received in channels located in the side of the torso zone, not the head zone.

Claim 7, line 2, the recitation of “the head zone” lacks antecedent basis as no “head zone” has been previously positively introduced (i.e., since claim 7 dependent upon claim 6 which is dependent upon claim 2 and the head zone is not positively introduced until claim 3).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutler (U.S. Patent No. 6,272,704).**

**As to claim 1,** Cutler discloses a beach mat (10) comprising:

at least a torso zone (14, 15) and a leg zone (12), said zones comprising foam pads (23 in cross-sectional view of Fig. 4 has the symbol for “foam-synthetic resin” (see the Manual of Patent Examining Procedure (MPEP) § 608.02(IX) entitled drawing symbols) with a hinge (unnumbered, but see Fig. 2 showing small circles between 12 and 14, 14 and 15, and 15 and 13 and col. 3, lines 57-65, which discusses the hinged connection between the members) securing the pads together; and

a retention device (28, 29, 30) for securing at least the torso zone and the leg zone together when stowed.

**As to claim 5,** Cutler discloses the beach mat (10) of claim 1 as discussed above, and Cutler also discloses that at least two of said pads have a rigid base (20) over which foam (23) is positioned and which are together surrounding by a fabric cover (24).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (U.S. Patent No. 6,272,704), as applied to claim 1 above, and further in view of McCauley (U.S. Patent No. 5,690,134).**

As to claim 2, Cutler discloses the beach mat according to claim 1 as discussed above.

However, Cutler fails to explicitly disclose a deployable hood secured to one or more of said zones and foldable between said pads when said pads are stowed.

McCauley discloses a deployable hood (sunshade (10)) secured to one or more of said zones (the sunshade is secured at the top of the torso zone as shown in Figs. 2-5) and foldable between said pads (28, 38) when said pads are stowed (see Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the beach mat of Cutler by including a deployable hood secured to one or more of said zones and foldable between the pads when said pads are stowed as taught by McCauley in order to provide a sunshade to a person lying on the beach mat while out-of-doors and desiring protection from the sun.

**Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (U.S. Patent No. 6,272,704) in view of either McCauley (U.S. Patent No. 5,690,134), as applied to claim 2 above, and further in view of Wolshin (U.S. Patent No. 2,946,067).**

**As to claim 6,** Cutler in view of McCauley discloses the beach mat of claim 2 as discussed above.

However, Cutler in view of McCauley fails to disclose that said deployable hood may be extended from the head zone on extension struts.

Wolshin discloses that a deployable hood (sunshade towel 23) may be extended from the head zone (7) on extension struts (telescoping member (21) telescopes into member (13) to provide for extension).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the beach mat of Cutler in view of McCauley by including extension struts so as to be able to extend the deployable hood as taught by Wolshin in order to be able to adjust the hood or sunshade so as to get the optimum amount of shade and protection from the sun.

**As to claim 7,** Cutler in view of McCauley and Wolshin discloses the beach mat of claim 6 as discussed above, and Wolshin also discloses that the extension struts (21) are received in channels (13) along the sides of the head zone (7).

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (U.S. Patent No. 6,272,704), as applied to claim 1 above, and further in view of Underell (U.S. Patent No. 5,265,292).**

**As to claim 3,** Cutler discloses the beach mat according to claim 1 as discussed above, and Cutler also discloses a head zone (13).

However, Cutler fails to disclose a restraint to hold the head zone and torso zone partially open so that the head zone and torso zone together form a backrest.

Underell discloses a restraint (30, 42) to hold the head zone (36) and torso zone (36) partially open so that the head zone and torso zone together form a backrest (see Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the beach mat of Cutler by including a restraint to hold the head zone and torso zone partially open so that the head zone and torso zone together form a backrest as taught by Underell in order to provide optimum comfort to the user of the beach mat so that the user may change positions from lying down to sitting up as desired.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler (U.S. Patent No. 6,272,704), as applied to claim 1 above, and further in view of McCarthy (U.S. Design Patent No. Des. 366,368).**

**As to claim 4,** Cutler discloses the beach mat of claim 1 as discussed above.

However, Cutler fails to explicitly disclose pad extensions connected by hinges to the pads, said pad extensions may be deployed by folding them at right angles to the pads to form a soft restraints for a person on the pad.

McCarthy discloses pad extensions connected by hinges to the pads, said pad extensions may be deployed by folding them at right angles to the pads to form soft restraints for a person on the pad.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the beach mat of Cutler by including pad extensions connected by hinges to the pads as taught by McCarthy in order to have sides which fold up at 90 degrees when the user of the beach mat desires protection from the wind when laying on the mat.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various mats are disclosed in U.S. Patent Nos.: 3,489,194 to Hoover; 6,691,356 to Coma; 6,754,920 to Fleming et al.; 5,491,851 to Alonso; 5,720,057 to Duncan; 6,065,164 to Swanger et al.; 5,210,891 to Avital et al.; 4,886,150 to Fitzsimmons; 5,404,600 to DeMars; 5,191,120 to Holmes; 2,351,501 to Cline; 6,243,892 to Kelling; 5,481,768 to Shink; 2,344,010 to Walsh; 4,188,988 to Agyagos; 4,468,810 to Longo; and 4,489,815 to Martinez et al. Pad extensions are disclosed in U.S. Patent No. 1,930,942 to Pringle and U.S. Patent Application Publication No. 2004/0107500 to Pigg. Various hoods or sunshades are disclosed in U.S. Patent Nos.:

2,932,833 to Wambach; 6,594,840 to Tomas et al.; 2,543,597 to Peery; 3,404,696 to de Souza Filho; 5,611,414 to Walker; 3,241,160 to Escobar; 4,796,734 to Distasio; 5,299,337 to Venza; 5,320,405 to Foster et al.; 6,199,229 to Wong; 6,478,038 to Le Gette et al.; 4,207,635 to Leroy; 2,290,786 to Varady; 2,070,484 to Jones; and 2,853,088 to Lamborn. Various backrests are discloses in U.S. Patent Nos.: 2,857,957 to Gay; Des. 299,988, 4,736,825 to Belfi; and 2,034,369 to Bayer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571)-272-7046. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571)-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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Michael Safavi, Primary Examiner  
October 2, 2005



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ART UNIT 3673